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August 29, 2013

Via E-mail: Furman NYSDChambers@nysd.uscourts.gov

Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

USDC SDNY
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13 Civ. 4211 (JMF)

Re: Smith v. Seinfeld, et al. (CXXNX124211)

Dear Judge Furman:

I am counsel to defendants in the referenced action. I write concerning defendants' motion to dismiss plaintiff's Complaint, as contemplated by Your Honor's Order, dated July 18, 2013, in respect of the same (the "July 18 Order"). The July 18 Order directed plaintiff to serve and file, by August 19, 2013, either an opposition to defendants' dismissal motion or an amended complaint. On August 19, plaintiff served defendants both with what appears to be an opposition to the motion to dismiss and a missive addressed to Your Honor in which plaintiff, *inter alia*, purports to amend certain allegations set forth in his Complaint. In either event, I write to advise the Court, in accordance with the further directives set forth in the July 18 Order, that defendants rely, in its entirety, on their previously-filed motion to dismiss and do not intend to submit a reply in further support of that motion. A "courtesy" hard copy of defendants' motion papers and plaintiff's responsive submissions will be delivered to the Court under separate cover.

Thank you for your considered attention to the foregoing.

Respectfully,



John J. Rosenberg
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cc: Adrian Barrie Smith (via email and FedEx)